

**STATE OF LOUISIANA
DEPARTMENT OF CIVIL SERVICE
BATON ROUGE, LA.**

February 26, 2007

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**STATE PERSONNEL MANUAL
TRANSMITTAL SHEET
NO. 431**

To: HEADS OF STATE AGENCIES AND PERSONNEL OFFICERS

Subject: Correction to "Remove & Insert Pages" on Transmittal NO. 429

Issue Date: February 26, 2007

At its meeting on February 7, 2007 the State Civil Service Commission approved the proposed amendments to Rules 8.16(a) and 8.18. These amendments will be effective February 7, 2007. Explanation for the rule changes appear in General Circular 1683 issued on January 9, 2007.

If there are any questions regarding the subject matter in this transmittal sheet, please call the Staffing Division at (225)342-8536.

Please make the following changes in your Civil Service Rules:

<u>REMOVE</u>		<u>INSERT</u>	
<u>Page</u>	<u>T/S</u>	<u>Page</u>	<u>T/S</u>
20.47	363	20.47	431
20.48	374	20.48	431
20.48.1	370	20.48.1	431
20.48.2	389	20.48.2	431

Sincerely,

s/Anne S. Soileau
Director

- (b) When any function of a State agency is transferred to, or when a State agency is replaced by, one or more other State agencies, every preference employee in classifications and performing functions transferred, or working in the State agency replaced, shall be transferred to the replacing State agency or agencies for employment in a position for which he is qualified before that State agency or agencies appoint additional employees for such positions from eligible lists.
- (c) Subject to the priority accorded preference employees under subsection (b) hereof, when any or all of the functions of any department are transferred to or when any department is replaced by any other department or departments, all nonpreference employees in the classifications and performing the function or functions transferred or in the department which is replaced by such other department shall first be transferred to the replacing department or departments for employment in positions for which they are qualified, before such department or departments shall appoint additional employees from eligible lists for such positions.
- (d) The Director may declare specific classes of positions exempt from the provisions of subsection (a) of this Rule, and transfers shall not be made to such exempted classes of positions, unless the employee previously served with permanent status in the class of position to which his transfer is proposed and was not separated therefrom by dismissal or resignation to avoid dismissal.

8.15.1 Temporary Inter-Departmental Assignment.

- (a) Upon agreement between departments, a permanent employee may be assigned to a classified position in another department for a period not to exceed one year, provided the employee meets the qualification requirements of the job to which he is being assigned and has met Civil Service requirements for testing and competition.
- (b) The salary of an employee so assigned shall be fixed and paid for the period of such assignment in accordance with the provisions of Chapter 6 of these Rules.
- (c) An employee so assigned shall continue to be an employee of the department from which he was assigned and, subject to the provisions of Chapter 12 of these Rules, shall have a right to return to his position at the conclusion of the assignment.

20.48 (Rule 8.15.1 Temporary Inter-Departmental Assignment - continued)

- (d) Either participating department may terminate the inter-departmental assignment of an employee at any time, with proper notification to the Director. The Director may terminate such assignment if he determines that it violates the provisions of Article X, the Civil Service Rules, the Uniform Classification and Pay Plans, or the policies and procedures issued by the Director.
- (e) Notwithstanding any other provision of these Rules, a temporary inter-departmental assignment may not be continued beyond one year without the Director's approval.

8.16 (a) Reassignment.

An appointing authority may reassign any probationary or permanent employee to a position with a different job title that has the same maximum rate of pay, provided the employee meets the qualification requirements of the job to which he is being assigned and has met Civil Service requirements for testing and competition. ***

(b) Change in Hours of Work.

An appointing authority may at his discretion and in the best interest of his department's program change the hours of work of any employee if no change in his class of position is affected.

(c) Change in Duty Station.

An appointing authority may change the duty station of a permanent employee from one geographical area to another. An appointing authority may change the duty station of a provisional or probationary employee from one geographical area to another in accordance with guidelines specified by the Director to ensure observance of appropriate competition requirements.

(d) Detail to Special Duty.

1. When, in the discretion of the appointing authority, the services of an employee are temporarily needed in a position within the department other than the position to which he is regularly assigned, he may be detailed to perform the duties of such position for a period not to exceed one month without change in title, status or pay.
2. An appointing authority may detail an employee for a period not to exceed one year. With the Director's prior approval, an appointing authority may detail an employee for a period(s) that exceeds one year. Written justification for all details except those referenced in subsection (d)1 of this rule shall be kept by the agency. Justification shall be submitted with all details requiring the Director's approval. This rule is subject to Rules 17.16(b)4 and 17.26 concerning layoff-related details.

3. The Director may issue policy standards for use of details to special duty.
4. An appointing authority may terminate a detail at any time.
5. The Director may, at any time, cancel a detail to special duty and/or withdraw an agency's authority to make details to special duty other than those stated in subsection (d)1 of this rule.

8.17 Amended and re-enacted effective April 1, 1954 as parts of Rules 6.22 and 8.16.

8.18 Noncompetitive Reemployment Based on Prior State Service.

- (a) Subject to the provisions of Subsections (d), (e) and (f) hereof and with the approval of the Director, a former permanent employee who has been separated from the classified service may, within ten years from separation, be noncompetitively reemployed in any job for which he is qualified and which has the same or lower maximum salary as the current maximum for the job in which he had permanent status. Further, if the job in which an employee or former employee held permanent status undergoes a change in title, other than an upward reallocation of the position after the employee separated from it, or undergoes a change in minimum qualification requirements, he shall not lose his reemployment eligibility for such position or lower position in the same job series, if such exists, except where the qualification lacking is one required by law or under a recognized accreditation program. In this case eligibility remains, even if the maximum pay has moved upward. Further, he shall be eligible to be reemployed in any other job at the same or lower current maximum pay as the job to which his position changed in title, provided he meets the minimum qualification requirements. ***
- (b) Repealed, effective March 15, 1966.
- (c) Repealed, effective February 10, 1976.
- (d) No former employee whose last separation from the classified service was by dismissal or by resignation to avoid dismissal shall be eligible for noncompetitive reemployment under the provisions of this Rule; nor shall any person acquire eligibility for noncompetitive reemployment through service in a position from which he was dismissed or resigned to avoid dismissal or demoted for delinquency, misconduct or unsatisfactory performance. When a former employee is hired from an open preferred reemployment list and is separated due to unsatisfactory work performance during the applicable probationary period, he shall retain his noncompetitive reemployment eligibility based on any position(s) he held with permanent status in accordance with the provisions of this Rule.

20.48.2 (Rule 8.18 Noncompetitive Reemployment Based on Prior State Service - continued)

- (e) The Director may declare specific classes of positions exempt from the provisions of subsection (a) of this Rule, and noncompetitive reemployments shall not be made under this Rule to such exempt classes of positions, unless the employee previously served with permanent status in the class of position to which his noncompetitive reemployment is proposed and was not separated therefrom by dismissal or resignation to avoid dismissal.
- (f) No former employee shall possess an eligibility for noncompetitive reemployment in the position of Director of the State Department of Civil Service.
- (g) The former employee may be required to provide proof or evidence of his prior employment before being eligible for reemployment under this rule.

8.19 Restoration of Duty Upon Return from Military Service.

Any employee, who subsequent to June 24, 1948 has left or leaves a classified position in which he was or is serving with provisional, probationary or permanent status, for active duty in the armed forces of the United States for not more than six years of voluntary service or an indefinite period of involuntary service and who upon separation from the armed forces of the United States by honorable discharge or under honorable conditions makes application for reemployment within ninety days thereof or within ninety days after he is released from hospitalization continuing after discharge for a period of not more than one year shall

- (a) If still qualified to perform the duties of such position, be restored by his department to such position or to a position of like seniority, status and pay; or
- (b) If not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform duties of any other position in the department where he formerly worked be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status and pay or the nearest approximation thereof consistent with the circumstances in his case.

8.20 Promotion.

- (a) Except as provided in paragraph (g) below, and subject to the provisions of Rules 8.9(a) and 8.9(c), each promotion shall be made by appointing one of the eligibles within the five highest final grade groups on a promotional certificate issued by the Director or by an agency as authorized under Rule 7.17(c) following competitive examination; or by the designation of a permanent employee for noncompetitive promotion and authorization thereof by the Director.
- (b) In preparing a promotional certification from a register of eligibles established following a competitive promotional examination, the Director or an agency as authorized under Rule 7.17(c) shall certify the names of the highest ranking eligibles in the relative order of their standing on the register.